

**UNITED STATES DISTRICT COURT**

MIDDLE DISTRICT OF ALABAMA  
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August 31, 2007

**NOTICE OF CORRECTION**

**To:** All Counsel of Record

**From:** Clerk's Office

**Case Style:** Progressive American Insurance Company v. Carol Thorn, et al.

**Case Number:** #2:06-cv-00717-ID

**Referenced Document:** Document #75  
Motion to Compel Plaintiff Progressive Insurance Company to  
Respond to Defendant Kirkindoll's Discovery Requests

**This notice has been docketed to enter the corrected pdf of the referenced document into the record. The original pdf did not contain a proper electronic signature on the certificate of service as required by the Civil Administrative Procedures II-C. The corrected pdf is attached to this notice.**

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PROGRESSIVE AMERICAN )  
INSURANCE COMPANY, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CAROL THORN; JOLEEN LEEA )  
COLON; DALE EUGENE )  
KIRKINDOLL; ELIZABETH S. )  
KIRKINDOLL; THOMAS HOLT )  
KIRKINDOLL; JAMES W. GRIFFIN )  
SANDRA L. GRIFFIN; PATRICK A. )  
BELT; CHRISTOPHER B. BELT; )  
GENE STEGMAIER; ESTATE OF )  
WILLIAM R. KLAUSS, a deceased )  
minor; ESTATE OF CHERETY THORN )  
a deceased minor; LV STABLER )  
MEMORIAL HOSPITAL; BRPT LAKE )  
REHABILITATION CENTER; )  
BUTLER COUNTY EMERGENCY )  
MEDICAL SERVICES; )  
 )  
Defendants. )

CIVIL ACTION 2:06CV717-1D

MOTION TO COMPEL PLAINTIFF PROGRESSIVE INSURANCE COMPANY TO  
RESPOND TO DEFENDANT KIRKINDOLL'S DISCOVERY REQUESTS

COMES NOW the Defendants Dale Kirkindoll, Elizabeth Kirkindoll and Holt Kirkindoll (hereinafter "Kirkindolls") and request this Court for an Order directing Plaintiff Progressive to respond to the Kirkindoll's discovery requests. As grounds for said motion, Defendant shows unto the Court as follows:

1. The Kirkindolls filed Requests for Production of Documents and Request for Admissions to Plaintiff Progressive Insurance Company on May 11, 2007. Those discovery requests are attached hereto as Exhibits "A" and "B".
2. To date, Plaintiff Progressive has failed to respond to the above discovery requests, thereby prejudicing the Kirkindolls in their attempt to claim the monies subject to this action.

BASED ON the foregoing, the Kirkindolls respectfully request this Court to enter an

Order directing Plaintiff Progressive to respond immediately to these requests.

Respectfully Submitted,

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### CERTIFICATE OF SERVICE

I hereby certify that I have on this 29<sup>th</sup> day of August, 2007, served a copy of the foregoing motion on the following via CM/ECF and US Mail:

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